

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jorge S.,

Case No. 18-CV-1842 (SRN/HB)

Petitioner,

v.

ORDER

Secretary of Homeland Security; Attorney General Jefferson Sessions; Scott Baniecke, ICE Field Office Director; and Kurt Freitag, Freeborn County Sheriff,

Respondents.

Andrew Crowder and Michael D. Reif, Robins Kaplan LLP, for Petitioner

Ana H. Voss and Ann M. Bildtsen, United States Attorney's Office, for Respondents Secretary of Homeland Security, Attorney General Jefferson Sessions, and Scott Baniecke.

SUSAN RICHARD NELSON, United States District Judge

This matter is before the Court on a Report and Recommendation [Doc. No. 19] issued by the assigned magistrate judge. Based on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation [Doc. No. 19] is **ADOPTED**; and
2. The petition for a writ of habeas corpus filed by Jorge S. [Doc. No. 1] is adjudicated as follows:
 - a. The Sixth Amendment claim is **DISMISSED**;
 - b. The Fourth Amendment claim is **DENIED WITHOUT PREJUDICE**;

- c. The burden-of-proof-based Fifth Amendment claim is **DENIED**;
- d. The jurisdiction-based Fifth Amendment claim is **DENIED**;
- e. The length-of-detention-based Fifth Amendment claim is **DENIED**
WITHOUT PREJUDICE; and
- f. The request for an evidentiary hearing is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 3, 2018

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge